

RENTAL ASSISTANCE DEMONSTRATION (RAD)

FACT SHEET #5: RESIDENT PROCEDURAL RIGHTS

WHAT IS RAD?

The **Rental Assistance Demonstration (RAD)** is a program of the Department of Housing and Urban Development (HUD) that seeks to **preserve affordable housing**.

Public housing units across the country need more than \$26 billion in repairs and many public housing agencies (PHAs) do not have enough money to keep units in good condition. RAD provides PHAs a way to repair units without depending on additional money from the government.

RAD allows PHAs to convert a public housing property's HUD funding to either:

- **Section 8 project-based voucher (PBV); or**
- **Section 8 project-based rental assistance (PBRA).**

This conversion of funding type lets PHAs borrow money to make needed repairs.

WHAT ARE PROCEDURAL RIGHTS AND HOW WILL RAD AFFECT THEM?

Sometimes your PHA has to take actions that can negatively affect you as a tenant, for example, when the PHA wants to terminate your lease for violations. No matter the situation, your PHA must follow certain steps or procedures when taking any action against you. In other words, your PHA must observe your **procedural rights**.

This fact sheet explains how RAD will affect the following procedural rights:

- (1) **Grievance process** - Steps the PHA must offer you to address a dispute, or **grievance**, you

FACT SHEETS FOR PUBLIC HOUSING RESIDENTS

This series of fact sheets will help public housing residents learn about RAD. All fact sheets are posted on RAD's website at www.hud.gov/rad, under the 'Residents' tab. This fact sheet explains your rights related to grievance procedures and lease termination under RAD.

have with your PHA about an action that negatively affects you.

- (2) **Termination notification** - Steps the PHA must take to inform you that it intends to terminate your lease.

RAD requires that you **keep many of the same procedural rights related to the grievance process and termination notification** that you had in public housing.

HOW WILL RAD AFFECT THE GRIEVANCE PROCESS?

A **grievance** is any dispute you may have with your PHA about an action involving your lease, or other PHA actions that you believe negatively affect you. The **grievance process** involves steps for you and your PHA to follow to resolve these disputes.

Whether your property is a part of the public housing program, or has converted to PBV or PBRA through RAD, you will receive a written notice of the reasons for an action and that you can request a hearing where you can present the reasons why you think an action might be unfair.

RAD requires that you receive a fair hearing and a written decision within a reasonable timeframe, just like you would under public housing. Your PHA must follow the grievance hearing decision unless it notifies you that the:

- Matter exceeded the authority of the grievance hearing; or
- Decision conflicts with laws or HUD regulations.

Requesting or participating in a hearing does not affect your right to take your case to trial if you think your dispute was not settled fairly.

The grievance process is for...

Any **individual disputes** between you the property owner, such as:

- Termination of your lease;
- Rent the owner claims you owe;
- Determination of your income;
- Determination of your unit size; or
- Determination of your utility allowance (if you have tenant-paid utilities).

The grievance process is not for...

- Disputes between tenants that do not involve the owner;
- Class grievances (in other words, grievances that multiple tenants/families have with the owner); or
- Negotiating policy changes between tenant groups and your owner.

HOW WILL RAD AFFECT TERMINATION NOTIFICATION?

Similar to public housing, the property owner will be able to **terminate your lease** if it follows certain procedures and if it has **cause**. An owner has cause if you seriously or repeatedly violated your lease terms, including:

- Not making payments due under the lease, such as rent or utility payments;
- Not following the rules listed in the lease, such as keeping your unit clean and safe;
- Involvement in criminal activity or alcohol abuse, depending on the seriousness of the activity; or
- Making false statements in your initial application or during your annual

TERMINATION NOTIFICATION:

Number of days	Termination reason
A reasonable period of time, but no more than 30 days	<ul style="list-style-type: none"> • A threat to the health or safety of other residents or PHA employees. • Drug-related activity, violent criminal activity, or felony conviction.
No less than 14 days	Nonpayment of rent
No less than 30 days, unless State or local law require a shorter period	All other cases (*PBRA allows a longer notification period)

recertification, for example about your income or family size.

If your property owner wants to terminate your lease after the RAD conversion, it must give you a **termination notification**. This notification is advance notice that explains why and when your lease will be terminated and whether you can ask for a grievance hearing.

If the reason for your termination is very serious, for example being convicted of a crime on the property, you may not be eligible to request a hearing.

DEFINITIONS:

- **Cause** – Reason for not renewing your lease in cases when you seriously and repeatedly violate your lease terms.
- **Grievance** – Any dispute you may have with a property owner involving your lease or owner actions that you believe negatively affect you.
- **Grievance Process** – Steps the owner must take to address a dispute you have with it.
- **Procedural Rights** – Steps your property owner must follow when taking specific actions that may have a negative effect on you.
- **Termination of Lease** – The process of ending your lease.
- **Termination Notification** – Steps an owner must take to inform you of the decision to terminate your tenancy.